

Law Office of Paul N. Cisternino, P.C.
Attorneys for Plaintiff
16 Briarbrook Road, Ossining, NY 10562
(914) 330-1527
paulcist@justice.com

FILED
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
AUG 28 2008
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
GLENN WOODS,

Plaintiff,

**VERIFIED COMPLAINT
AND JURY TRIAL DEMAND**

-against-

08 CIV. 7596

SKANSKA USA CIVIL NORTHEAST INC.

ASSIGNED JUDGE ROBINSON

Defendant.
-----X

Plaintiff, Glenn Woods, by and through his attorney, Paul N. Cisternino, as and for his verified complaint, alleges as follows:

INTRODUCTION

1. This is an action against the defendant for the violation of plaintiff's federally guaranteed constitutional and civil rights and his rights as otherwise guaranteed under law.

2. Plaintiff seeks monetary compensation and other damages for the wrongful, illegal and unconstitutional acts of the defendant which violated rights guaranteed to the plaintiff under various federal and state laws, specifically Title VII of the Civil Rights Act of 1964 and the New York State Human Rights Law, New York Executive Law §290 *et seq.*

3. Plaintiff alleges herein that he was subjected to discrimination, denied both employment and the equal terms, conditions and privileges of employment, based on his having opposed discriminatory practices by previously filing a discrimination complaint.

JURISDICTION AND VENUE

4. The jurisdiction of this Honorable Court is invoked pursuant to and under 28 U.S.C. §§ 1331, 1343 and 1367.

5. The unlawful acts alleged herein were committed in whole or in part in the Southern District of New York.

ADMINISTRATIVE PROCEEDINGS

6. Plaintiff has satisfied all procedural requirements prior to commencing this action in that he timely filed charges of discrimination with the New York State Division of Human Rights; his complaint was also dual filed with the United States Equal Employment Opportunity Commission. Plaintiff requested and received written dismissals and the instant complaint has been filed within ninety days receipt thereof.

PARTIES

7. At all times relevant herein plaintiff resided within the State of New York.

8. Upon information and belief the defendant is an “employer” within the meaning of 42 U.S.C. §2000 *et seq* and New York Executive Law §290 *et seq*.

ALLEGATIONS

9. Plaintiff hereby repeats and realleges each allegation contained in paragraphs "1" through "8" as if fully set forth herein.

10. Plaintiff worked for the defendant as a laborer on several construction jobs in the past, performing in at least a competent manner.

11. In early 2007, the plaintiff filed a discrimination complaint against another construction company with whom the defendant sometimes affiliated on construction projects.

12. Plaintiff's complaint, which had been filed with the New York State Division of Human Rights, was dismissed on or about November 16, 2007.

13. Plaintiff applied for a position on defendant's Croton Filtration project in or about October 2007.

14. Although he had worked for defendant previously and was qualified for the position, the plaintiff was not hired.

15. Upon information and belief, the defendant was aware of plaintiff's previous filing and denied him work because of it.

16. Since being denied employment, the plaintiff has been unable to obtain employment which pays at the level of the job he applied for.

17. Upon information and belief, the defendant does not maintain an office or mechanism for the reporting of discrimination or other similar complaints nor do they possess or distribute to employees a formal, written anti-discrimination policy.

**AS AND FOR A FIRST CAUSE OF ACTION BASED ON RETALIATION
PURSUANT TO TITLE VII OF THE CIVIL RIGHTS ACT OF 1964**

18. The plaintiff repeats and realleges each and every allegation contained in paragraphs "1" through "17" as though fully set forth herein.

19. By engaging in the foregoing conduct, the defendant has violated rights guaranteed to the plaintiff under Title VII in that the plaintiff was denied employment for having opposed discriminatory practices.

20. As herein described, the defendant acted intentionally, with malice, or with reckless disregard for plaintiff's rights, proximately causing plaintiff mental anguish, conscious pain and suffering, emotional distress, and the loss of income and other related benefits, thereby entitling plaintiff to an award of compensatory and punitive damages and an award of reasonable attorney's fees.

**AS AND FOR A SECOND CAUSE OF ACTION BASED ON RETALIATION
PURSUANT TO THE NEW YORK EXECUTIVE LAW §290**

21. The plaintiff repeats and realleges each and every allegation contained in paragraphs "1" through "20" as though fully set forth herein.

22. By engaging in the foregoing conduct, defendant has violated rights guaranteed to the plaintiff under the State Human Rights Law in that the plaintiff was denied employment for having opposed discriminatory practices.

23. As herein described, the defendant acted intentionally, with malice, or with reckless disregard for plaintiff's rights, proximately causing plaintiff mental anguish, conscious pain and suffering, emotional distress, and the loss of income and other related benefits, thereby entitling plaintiff to an award of compensatory damages.

PRAYER FOR RELIEF

WHEREFORE, plaintiff Glenn Woods respectfully requests that this Court assume jurisdiction herein and thereafter:

1. Award plaintiff appropriate compensatory and punitive damages in an amount to be defined and determined;
2. Award reasonable attorney's fees and the costs of this action;
3. Award such other and further relief as this Court deems just and proper.

JURY DEMAND

Plaintiff demands a jury trial for all claims stated herein.

Dated: Ossining, New York
August 26, 2008

Respectfully submitted,

Law Office of Paul N. Cisternino, P.C.
Attorneys for Plaintiff



Paul N. Cisternino (PC-0317)

VERIFICATION

STATE OF NEW YORK)
) SS:
COUNTY OF WESTCHESTER)

GLENN WOODS, being duly sworn, deposes and says:

I am the plaintiff herein. I have read the foregoing and know the contents thereof; the same is true of my own knowledge except as to the matters stated on information and belief; as to those matters, I believe the same to be true.

PAUL N. CISTERNINO, ESQ.
Notary Public, State of New York
No. 02C16020471
Qualified in Westchester County
Commission Expires 3/1/11

Glenn Woods
GLENN WOODS

Subscribed and sworn to before me this 27th day of August 2008.


Notary Public